Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Technological Transition of the	)	GN Docket No. 12-353
Nations Communications	)	
Infrastructure	)	
	)	

COMMENTS OF ASIAN AMERICAN FEDERATION, ASIAN AMERICAN JUSTICE CENTER, ASIAN BUSINESS ASSOCIATION, ASIAN PACIFIC AMERICAN INSTITUTE FOR CONGRESSIONAL STUDIES, ASIAN PACIFIC AMERICAN LABOR ALLIANCE, ASIAN PACIFIC AMERICAN LEGAL CENTER, ASIAN WOMEN IN BUSINESS, JAPANESE AMERICAN CITIZENS LEAGUE, LEADERSHIP EDUCATION FOR ASIAN PACIFICS, OCA, AND SOUTHEAST ASIA RESOURCE ACTION CENTER

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January 28, 2013

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Jointly ("the Commenters", "we" or "our"), we[1] file these Comments in support of AT&T's Petition to Launch a Proceeding Concerning the TDM-to-IP Transition ("AT&T Petition" or "Petition")[2] to speed the national transition away from TDM-based legacy networks and towards the ubiquitous deployment of next-generation high-speed Internet Protocol ("IP") broadband networks.

I. INTRODUCTION

In these comments we advocate for swift commission approval of the AT&T petition as the quickest and most efficient means to begin the transition to the all-IP broadband networks of the future. The IP Transition will benefit underserved Asian American communities who remain on the wrong side of the digital divide as well as Asian Americans who are enthusiastic users of IP-enabled

[1] This Comment filing on the AT&T IP Transition Petition before the FCC reflects the views of each of the listed organizations as institutions and does not reflect the individual views of the officers, directors, members or staff of each organization. Asian American Federation at http://www.aafny.org; Asian American Justice Center at http://www.advancingequality.org/; Asian Business Association at http://www.aba-la.org/; Asian Pacific American Institute for Congressional Studies at http://www.apaics.org/; Asian Pacific American Labor Alliance at http://www.apalanet.org/; Asian Pacific American Legal Center at http://www.apalc.org/; Asian Women in Business at http://www.awib.org/; Japanese American Citizens League at http://www.jacl.org/; Leadership Education for Asian Pacifics at http://www.leap.org/; OCA at http://www.ocanational.org/; Southeast Asia Resource Action Center at http://www.searac.org/.

[2] Petition of AT&T, *Petition to Launch a Proceeding Concerning the TDM-to-IP Transition*, GN Docket No. 12-353, (filed Nov. 7, 2012) ("*AT&T Petition*").

services. Asian Americans are poised to benefit greatly from the build-out of next-generation IP broadband networks as articulated by the Federal Communications Commission ("FCC" or "Commission") in the National Broadband Plan[3] and further discussed in the AT&T petition. Given the complexity of issues related to the IP-transition, we support AT&T's request that issues arising in the geographically limited trials be addressed by the FCC in one unified proceeding rather than in multiple proceedings.[4] Such a comprehensive and transparent approach will encourage interested third party and public input, will speed decision-making and side-step delay. We support the Petition as an efficient means of bringing 21st Century high-speed broadband services to all Americans.

Finally, the IP Transition highlights the important task of reevaluating existing regulations and their applicability to modern day IP-based networks. We urge the Commission to have an open and transparent process that leads to a modern regulatory framework that not only promotes innovation and investment but also protects consumers, encourages competition and ensures universal access for all communities during every step of the IP Transition process.

II. DISCUSSION

A. The IP Transition will help achieve the President's goal to bring high-speed broadband service to 98% of all American by 2016.[5]

While high-speed broadband coverage has expanded in recent years, President Obama's goal to bring high-speed broadband service to 98% of all Americans by 2016 remains unfulfilled. By the Commission's own estimates, the number of Americans without access to high-speed broadband

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[3] Nielsen, *State of the Asian American Consumer: Growing market, growing impact*, at 9 (Quarter 3, 2012), *available at* http://www.nielsen.com/content/dam/corporate/us/en/microsites/publicaffairs/StateoftheAsianAmericanConsumerReport.pdf (Last retrieved January 15, 2013) ("*Nielsen Asian American Report*") and Federal Communications Commission, *Connecting America: The National Broadband Plan*, at 9 (Mar. 16, 2010) ("*National Broadband Plan*"), *available at* http://www.broadband.gov/.

[4] Letter from Thomas Jones, Counsel to Cbeyond, Inc., Earthlink Inc., Integra, Inc., and tw telecom, inc. to Marlene H. Dortch, FCC, WC Docket Nos. 10-90 *et al*. at 2 (filed Dec. 4, 2012) (noting "But virtually every one of the policies that AT&T wants the Commission to address is already the subject of pending FCC proceedings.")

[5] President Barack Obama, "Remarks by the President in State of the Union Address," (Jan. 25, 2011), *available at* http://www.whitehouse.gov/the-press-office/2011/01/25/remarks-president-state-union-address ; see also http://www.whitehouse.gov/the-press-office/2011/02/10/president-obama-details-plan-win-future-through-expanded-wireless-access (Last retrieved January 17, 2013).

service may be as high as 19 million.[6] Full participation by all Americans in the digital economy requires policymakers to act quickly to expand access to these modern communications networks.

Members of the Asian American community are active participants in the digital economy and advocate for more high-speed broadband access for more Americans. In 2010, for instance, the Asian American Justice Center (AAJC) joined with One Economy to administer six Digital Connectors programs designed to increase broadband adoption and Internet usage. AAJC partnered with six community based organizations in California, Georgia, Minnesota, New York, Texas, and Washington, D.C. to administer the programs aimed at educating and training youth to serve as technology trainers and ambassadors in underserved communities. The Digital Connector programs were one of the first of their kind to be introduced in the Asian American and Pacific Islander (AAPI) community. At the conclusion of these programs, the participating youth collectively conducted nearly 8,000 digital trainings to individuals in their communities to help advance broadband adoption in underserved communities.

Our grassroots efforts in this area have reinforced the importance of making broadband a national priority. Government and industry must each continue their efforts to expand IP-based networks and bring the benefits of high-speed broadband to more Americans. The AT&T Petition proposes a framework to enable government to work with industry and other stakeholders to make the IP transition a reality, as smoothly and quickly as possible.

That proposed framework lies at the heart of why we believe the AT&T Petition is the best means for achieving rapid deployment of high-speed broadband. The proposed tests would require that carriers file their plans for deployment in the testing area, including laying out the timing of deployments and how consumers would be impacted. Only this kind of "real world" test will enable the Commission to make its decisions with the best available data rather than having to make

[6] Federal Communications Commission, *Eighth Broadband Progress Report* (Rel. Aug 21, 2012), *available at* http://www.fcc.gov/reports/eighth-broadband-progress-report.

decisions piecemeal in a variety of different proceedings. We believe these trials will show that the switch to an all-IP system will bring more competitive choices into the marketplace, which will provide benefits to consumers, including making high-speed broadband more affordable for Asian Americans who have not yet adopted broadband due to cost concerns.

B. *There are substantial Asian American populations that are likely behind in broadband adoption despite many Asian Americans being early and enthusiastic adopters of Internet technology.*

The Asian American community has been an early and enthusiastic adopter of Internet technology. Internet usage by Asian Americans is significantly higher than the national average – 87 percent of English-speaking Asian Americans use the Internet compared to 74 percent of all adults.[7] Our connectivity rate to high-speed broadband is also higher than other groups. Today 80 percent of English-speaking Asian Americans use wired broadband at home compared to the national average of just 60 percent.[8] This robust digital engagement extends to mobile broadband, where Asian Americans lead in high-speed mobile connectivity through cell phones and wireless networks in the U.S.[9] Similarly, Asian Americans have also embraced smartphone technology, with adoption rates at 70 percent, compared to the national average of 55 percent.[10]

Yet, many minorities and other underserved groups continue to lag behind in broadband internet access and adoption. While some members of the Asian American community are faring well, others – particularly those in the Southeast Asian community, such as the Laotian, Cambodian and Hmong Americans – continue to face socioeconomic and language barrier challenges specific to their subgroup that directly affect their ability to access broadband internet services. These subgroups face even greater challenges in accessing broadband as their lack of proficiency in English

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[7] Lee Rainie, *Asian-Americans and Technology* at 3, Pew Research Center: Pew Internet and American Life Project (Jan. 6, 2011), *available at* http://www.pewinternet.org/Presentations/2011/Jan/~/media/Files/Presentations/2011/Jan/2011%20-%20pdf%20-%20Asian%20Americans%20-%20DC.pdf (Last retrieved January 16, 2013).
[8] *Id.*
[9] *Nielsen Asian American Report* at 9.
[10] *Id.*

is even greater than the one in three Asian Americans that today are classified as limited English proficient. Unless properly addressed by policymakers and providers, language barriers combined with income restrictions will continue to prevent these subgroups from joining the digital age.

C. *Asian Americans take full advantage of available IP-based devices and services and will do so even more as IP-based networks become more widely available.*

Asian Americans stand to benefit from greater deployment of and access to IP-based devices and IP-enabled services provided on IP-based networks.

In today's society, the Internet acts as a democratizing factor in media, enabling our community to counter its historical underrepresentation in many forms of communications media. Much progress is being made in this area. For example, three of the 20 most-subscribed-to channels on YouTube now belong to Asian Americans.[11] According to Nielsen, Asian Americans spend an average of 80 hours surfing the internet each month and view 1000 more pages on average than any other demographic group.[12] The popularity of social media is on the rise in our communities; in 2012, Asian Americans spent more time accessing social media on their PCs than Hispanic or white populations.[13] Even more instrumental to the Asian American population is the ongoing migration to Voice over Internet Protocol ("VoIP") technology. According to Forbes, "30 million Americans pay for VoIP service and the VoIP industry is expected to generate about $15.4 billion in revenue."[14] As nearly two-thirds of Asian Americans and Pacific Islanders are foreign born,[15] IP-enabled services, including VoIP, can help families and friends remain connected. Greater access to high-speed IP-

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[11] Austin Considine, "For Asian American Stars, Many Web Fans," NY Times (July 29, 2011), *available at* http://www.nytimes.com/2011/07/31/fashion/for-asian-stars-many-web-fans.html?_r=2&ref=technology& (Last retrieved January 13, 2013).

[12] *Nielsen Asian American Report* at 10.

[13] Nielsen, *State of the Media: The Social Media Report 2012* at 6, *available at* http://blog.nielsen.com/nielsenwire/social/2012/ (Last retrieved January 16, 2013).

[14] T.J. McCue, "Google Voice Stays Free in 2013 But VoIP Is $15 Billion Industry", Forbes (Dec. 12, 2012) *at* http://www.forbes.com/sites/tjmccue/2012/12/27/google-voice-stays-free-in-2013-but-voip-is-15-billion-industry/.

[15] Laura Efurd, "Asian Americans and Pacific Islanders and Broadband," at 1, Zero Divide, FCC Diversity Council (June 15, 2010), *available at* http://webcache.googleusercontent.com/search?q=cache:8p767i92dT8J:transition.fcc.gov/DiversityFAC/061510/zerodivide-broadband-presentation-061510.ppt+&cd=6&hl=en&ct=clnk&gl=us&client=firefox-a (Last retrieved January 18, 2013).

enabled broadband will also enable the spread of cultural, educational and social values to preserve the history of our communities.

D. IP-based networks can help tackle health disparities that affect our community, improve our country's schools, and boost economic development.

While broadband adoption usage in the Asian American community continues to expand relative to other Americans, certain disparities still exist within groups and in comparison to American society as a whole.[16] Increased access to high-speed broadband, however, can help address these disparities and provide equal opportunities for all.

For example, *health* outcomes – and new opportunities for easily accessible healthcare through next-generation broadband – will undoubtedly improve with greater access to IP networks. Certain Asian American communities currently experience some of the highest rates of particular diseases compared to other Americans.[17] For instance, Asian Americans have a disproportionately high prevalence of a number of conditions and risk factors, including chronic obstructive pulmonary disease (COPD), Hepatitis B, and HIV/AIDS.[18] Factors contributing to poor health outcomes for Asian Americans include language and cultural barriers.[19]

Yet, innovative tools exploiting broadband technology offer hope to Asian Americans. IP-enabled services and applications made available on wired and/or wireless high-speed broadband can help patients treat and manage these conditions. A high-speed broadband-enabled laptop or smartphone can act as a lifeline, connecting patients and doctors who speak the same language, helping to overcome language barriers facing many Asian Americans seeking treatment today.

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[16] For example, many communities such as the Japanese Americans Citizens League (JACL) chapter in New Orleans (NOLA), have geographic barriers to access. Located in an area with a high water table and rural characteristics, the at-risk community lacks good access even as it struggles to cope with the aftermath of Hurricane Katrina, the BP oil Spill, and Hurricane Isaac.

[17] *See, e.g.*, "Tackling Asian American Health Disparities," NPR (May 24, 2010), *available at* http://www.npr.org/templates/story/story.php?storyId=127091480, (Last retrieved January 18, 2013).

[18] Centers for Disease Control, *Asian American Populations*, Office of Minority Health & Health Disparities *available at* http://www.cdc.gov/omhd/populations/asianam/asianam.htm (Last retrieved January 18, 2013).

[19] *Id.*

Furthermore, as permitted by law or regulation, patients have the ability to share medical information and to connect with others to share experiences and provide emotional support. Other IP-enabled applications already permit patients to receive reminders to take their medication on their mobile phones. IP-enabled remote monitoring devices used to track and store health indicators and manage a range of health conditions are revolutionizing the treatment of chronic diseases.[20] Wireless blood glucose monitors, for example, can collect data and send it directly to medical professionals. This advanced functionality is particularly important for patients with diabetes, which affects Native Hawaiian and Other Pacific Islanders at rates two to four times greater than the general U.S. population.[21]

Similarly, *education* is of vital importance to all Americans. The expansion of IP-based networks will open new opportunities for the nation's students and teachers. Data on Asian American educational attainment affirms the emphasis and value placed on education in our community. Asian Americans have the highest proportion of college graduates of any race or ethnic group in the country. Fully 50 percent of single-race Asian Americans 25 and older have a bachelor's degree or higher, compared to the national average of 28 percent.[22] Likewise, 20 percent of single-race Asian Americans 25 and older have a graduate or professional degree, compared to the national average of 10 percent.[23]

As described above, however, there are many Asian American subgroups which have lower education attainment and having greater access to IP networks and IP-enabled services can help

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[20] US Department of Health and Human Services, "What Additional Health IT Tools are Available for Patients with HIV/AIDS", *at* http://www.hrsa.gov/healthit/toolbox/HIVAIDSCaretoolbox/Introduction/whtadditnalhittools.html (Last retrieved January 18, 2013).

[21] Karen L. Moy, James F. Sallis and Katherine J. David, *Health Indicators of Native Hawaiian and Pacific Islanders in the United States*, at 81–92, National Institute of Health: US National Library of Medicine (Pub. online Oct. 24, 2009), *available at* http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2816258/ (Last retrieved January 17, 2013).

[22] U.S. Census Bureau, "Asian/Pacific American Heritage Month: May 2011," (Apr. 29, 2011), *available at* http://www.census.gov/newsroom/releases/archives/facts_for_features_special_editions/cb11-ff06.html (Last retrieved January 16, 2013) ("*US Census Bureau*").

[23] *Id.*

advance these efforts not only for Asian Americans but for all. As the country has worked hard to connect the Nation's schools to the Internet, Asian Americans, like many Americans, have embraced broadband as a tool in our educational endeavors. As of 2009, 93 percent of computers located in the classroom had Internet access.[24]

These statistics, however, belie a new and emerging problem. High-speed broadband services and IP-enabled devices are not ubiquitously deployed in schools throughout the nation. Many schools still lack access to these modern high-speed networks.[25] Approval of the AT&T Petition will start a national dialogue on how to ensure that high-speed next-generation IP networks reach more classrooms, encouraging customized education through blended and/or distance learning programs. Already, technologies such as smartphones, netbooks, and tablets help students access live webcasts and courses from leading experts, even in remote locations. During the 2009-10 school year, more than 1.5 million K-12 students engaged in some form of online or blended learning.[26] This progress will only continue with an accelerated IP transition.

Additionally, broadband-enabled applications built for non-native English speakers can improve students' success rates in schools. Recent data show that 77 percent of Asian Americans speak a language other than English at home.[27] Numerous applications to address this barrier already exist, ranging from simple dictionaries to Speech Tutor, an app that help students learn proper sounds and pronunciation of English words.[28]

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[24] National Center for Education Statistics, "Fast Facts", U.S. Department of Education, Institute of Education Sciences, *available at* http://nces.ed.gov/fastfacts/display.asp?id=46 (Last retrieved January 18, 2013).
[25] Nick Pandolfo, "Education Technology: As Some Schools Plunge In, Poor Schools Are Left Behind", Huff. Post. (Last updated Mar. 25, 2012), *available at* http://www.huffingtonpost.com/2012/01/24/education-technology-as-s_n_1228072.html (Last retrieved January 17, 2013).
[26] Matthew Wicks, *A National Primer on K-12 Online Learning, Version 2*, at 6, International Association for K-12 Online Learning, (Oct. 2010), *available at* http://www.inacol.org/research/docs/iNCL_NationalPrimerv22010-web.pdf (Last retrieved January 18, 2013).
[27] *Nielsen Asian American Report* at 7.
[28] Cammi Harbisen, "Top 8 iPad apps for ESL Students," VOXXI, (Aug. 15, 2012), *available at* http://www.voxxi.com/esl-ipad-apps-elementary-education/ (Last retrieved January 18, 2013).

Finally, the *work* of millions of Americans in the 21st Century will depend directly on broadband and broadband-enabled applications. By speeding the associated transition to IP networks, the AT&T Petition will help our citizens remain competitive in the workplace.

Many Asian Americans will rely on IP network deployment for their livelihoods, given the large proportion of Asian Americans that work in jobs dependent on state-of-the-art broadband. Nearly half (48 percent) of civilian-employed single-race Asian Americans 16 and older work in management, business, science and arts occupations, such as financial managers, engineers, teachers and registered nurses.[29]

Yet the impact of high speed broadband will perhaps be felt most directly by small businesses. The population of Asian entrepreneurs continues to grow, as the number of Asian-American-owned small businesses increased 40 percent between 2002 and 2007, to 1.5 million.[30] Fortunately, the Commission has shown a keen understanding of the positive impact that broadband can have on small businesses. As Chairman Genachowski testified last year, "[b]roadband is increasingly important to the future of small business. It enables small businesses to grow and jobs to be created anywhere, not only in urban markets but in small rural towns."[31] Broadband can help businesses both lower costs, through cloud service offerings and other savings, and increase revenues by enabling sales teams to market their products more easily and widely.[32]

E. We urge the Commission to reevaluate existing regulations to promote innovation and investment and benefit consumers.

Our country's transition from TDM facilities to IP-based alternatives is a necessary and

[29] *U.S. Census Bureau.*
[30] *Id.*
[31] Julius Genachowski, "Prepared Statement of Chairman Julius Genachowski, Federal Communications Commission, Hearing on 'Digital Divide: Expanding Broadband Access to Small Businesses" (Jul. 18, 2012), *available at* http://www.fcc.gov/document/chairmans-testimony-broadband-access-small-businesses (Last retrieved January 17, 2013).
[32] *Id.*

welcome infrastructure challenge. As highlighted above, Asian Americans have access to many beneficial opportunities for our community through greater broadband access, but there are also many economic opportunities for our community that are made possible through large capital investment in upgrading our nation's networks. The IP Transition also signals the regulatory challenges the Commission must face as it determines whether to carry over regulations enacted during a previous technological paradigm and apply to them a fast-paced environment of converging voice and data services. During this process, we urge the Commission to adopt a modern and adaptive regulatory approach that not only recognizes changing technologies and promotes innovation and investment, but also protects consumers, encourages competition, and ensures universal access for all communities.

III. Conclusion

For the reasons described above, it is imperative that the Commission approve the Petition to begin initial trials of the transition to next-generation services. This will provide both industry and policymakers with the key data necessary to design the path forward to bringing 21st Century broadband services and applications to all Americans. Chairman Genachowski summed up the stakes well in his recent remarks in Philadelphia:

> We are in a global bandwidth race. And much like the space race in the 20th century, success in this race will unleash waves of innovation that will go a long way toward determining who leads our global economy in the 21st century. In a knowledge economy, a nation's future economic security is tied to frictionless and speedy access to information. The faster we can connect our citizens the faster our economy can grow. The more people of all walks of life have access to bandwidth the more opportunity we spread for all. U.S. leadership in the 21st century will require a strategic bandwidth advantage. What are the elements of a strategic bandwidth advantage? Broadband that is fast, high-capacity, and ubiquitous.[33]

Asian Americans are poised to benefit from the expansion of next-generation networks. From education to healthcare to the economy, the prospective advantages of IP-based networks

[33] Julius Genachowski, "Winning the Global Bandwidth Race: Opportunities and Challenges for Mobile Broadband" (Oct. 4, 2012), *available at* http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-316661A1.pdf (Last retrieved January 18, 2013).

require that policymakers commit to ensuring this transition happens as quickly and smoothly as possible. Approving the Petition is the first step in that direction. We stand ready to assist the Commission in this important task and urge the Commission to approve the Petition.

Respectfully submitted,

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